

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 637 - HB 833**

March 11, 2021

**SUMMARY OF BILL:** Expands the offense of intimidating others from exercising civil rights to include certain actions against a law enforcement officer or judge.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$3,200 Incarceration\***

Assumptions:

- The proposed legislation adds the following actions of a person to the offense of intimidating others from exercising civil rights:
  - Injures or threatens to injure or coerces another person with intent to unlawfully intimidate another because of the other's perceived or actual employment as a law enforcement officer or judge; or
  - Damages, destroys, or defaces any real or personal property of another person because of the other's perceived or actual employment as a law enforcement officer or a judge.
- Pursuant to Tenn. Code Ann. § 39-17-309(d), intimidating others from exercising civil rights is a Class D felony offense and wearing a mask or disguise with the intent to commit the offense of intimidating others from exercising civil rights is a Class A misdemeanor offense.
- Based on information provided by the Department of Correction (DOC), there has been an average of 0.4 admissions of intimidating others from exercising civil rights each year over the past five years.
- The proposed legislation will result in one admission every 10 years.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class D felony is 1.08 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving 394.47 days ( $1.08 \times 365.25$ ). The annualized increase in state incarceration expenditures is estimated to be \$3,174 ( $\$80.46 \times 394.47 / 10$ ).
- There will not be a sufficient number of Class A misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any impact to the court system is estimated to be not significant.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, slightly stylized font.

Bojan Savic, Interim Executive Director

/mj